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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,263	07/24/2003	Stanley T. Mandel tort	30565/38931	9591
4743	7590	10/05/2006	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			GEHMAN, BRYON P	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/626,263	MANDELTORT, STANLEY T.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bryon P. Gehman	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 July 2006.

2a) This action is **FINAL**.                                   2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-31,33 and 34 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-31,33 and 34 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14, 17-18, 30-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (Figures 2-5) (6,139,210) in view of Rappaport et al. (2002/0116854) and Cantrell (4,761,903). Nelson et al. discloses a storage apparatus for safely storing documents, comprising a first transparent sheet (top wall 19 of pocket 16), a second sheet (34) attached to the first transparent sheet along a seal (32) to define a rectangular pocket, the pocket having an open end (opposite 13), an adherent (adhesive) between the first and second sheets to define a sealing construction (defined by adhesive 32) and an attachment section (13) adapted to mount the storage apparatus within a container in some manner. Rappaport et al. disclose a rectangular photograph holder having a permanent adhesive seal (18-22-20) along three sides of a pocket and a selective adherent along a fourth side. Cantrell discloses a waterproof storage apparatus for safely storing documents including a waterproof selective adherent securing two opposed sheets to render the storage apparatus waterproof. To modify the storage apparatus of Nelson et al. employing permanent inherently waterproof adhesive along three sides would have been obvious in view of Rappaport et al. in order to define a permanent pocket. To modify the storage apparatus of Nelson et

al. employing separable adhesive to render it waterproof would have been obvious to protect the content from moisture, as suggested by Cantrell. Cantrell further discloses waterproof adhesives of a permanent or removable nature were known in the field (see column 3, line 51 through column 4, line 5).

As to claims 2 and 3, the disclosed seal of adhesive and material of Cantrell is inherently or expressly water and air tight (see column 4, lines 6-17).

As to claim 4, Nelson et al. disclose heat sealing (column 6, lines 21-34).

As to claims 5 and 18, Nelson et al. disclose the second sheet as the same material as the first sheet (column 5, lines 41-47).

As to claims 6 and 7, Rappaport et al. disclose the permanent seal composed of three sides or segments as claimed.

As to claims 8 and 9, the dimensions of the storage apparatus are mere change in size from the prior art, the change in size not being of a patentable significance or rendering any unexpected result.

As to claims 10 and 30-31, Rappaport et al. further disclose a storage apparatus for a photograph including a releasable tape (column 3, line 55 through column 4, line 3) covering an adhesive. To further modify the prior art employing a releasable tape as disclosed by Rappaport et al. would have been obvious in order to protect the adhesive prior to use, as suggested by Rappaport et al..

As to claims 11, Nelson et al. disclose multiple seals (at 26, Figure 3) to define multiple pockets between the first and second sheets.

As to claim 12, the multiple pockets would be of the form of the single pocket of claim 1.

As to claims 13 and 14, to provide a compartment of a particular size would have been obvious in order to retain particular sized contents in a tight manner.

As to claim 17, Cantrell discloses the adherent being releasable (see column 3, line 66 through column 4, line 5).

3. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 3 above, and further in view of Hambright (6,164,859). Hambright discloses an attachment section (defined by seals 68, 69, 74 and 82) bounded by continuous seals. To modify the attachment section of Nelson et al. employing the chamber-defining seal structure of Hambright would have been obvious in order to house a reinforcing structure therein, as suggested by Hambright. To employ similar watertight seals as employed in the prior art combination (watertight adhesive seals) would have been obvious in order to ease production of the storage apparatus to one type of seal, and would protect the reinforcing structure from water as well.

4. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. in view of Rappaport et al. and Cantrell. Nelson et al. disclose a method of preserving a document comprising inserting the document (photograph) through an open end of and into a pocket (between 14 and 16) formed by a seal between two sheets (14, 16), at least one of the sheets being transparent, sealing the open end with

the document inside, and disposing the two sheets in a document container (described album, see Figure 11). Rappaport et al. disclose a rectangular photograph holder having a permanent seal (18-22-20) along three sides of a pocket and a selective adherent along a fourth side. Cantrell discloses a waterproof storage apparatus for safely storing documents including a waterproof permanent adhesive and a releasable adhesive securing two opposed sheets to render the storage apparatus waterproof. To modify the storage apparatus of Nelson et al. employing adhesive to provide a permanent pocket structure would have been obvious in view of Rappaport et al., and to render it waterproof employing adhesive would have been obvious to protect the content from moisture, as suggested by Cantrell.

As to claim 22, Rappaport et al. further disclose a storage apparatus for a photograph including a releasable tape (column 3, line 55 through column 4, line 3) covering an adhesive. To further modify the prior art employing a releasable tape as disclosed by Rappaport et al. would have been obvious in order to protect the adhesive prior to use, as suggested by Rappaport et al..

As to claim 23, Nelson et al. disclose holes (as shown) for receiving the sheets in a loose leaf binder by inserting rings (as in Figure 11).

5. Claims 19-20, 26-27, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3, 24 and 30 above, and further in view of Platt (3,279,331). Platt discloses a dual sided tape (3), with the one side having a permanent adhesive and the other a releasable adhesive. To modify the adherent

structure of the prior art further employing the dual sided tape structure of Platt would have been obvious in order to provide an easily manually applied reusable adherent structure, as suggested by Platt.

6. Claims 19-20, 26-29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 3, 24 and 30 above, and further in view of Holcomb et al. (4,838,708). Holcomb et al. disclose a dual sided tape covered by a releasable tape (50) with permanent and releasable adhesives or both releasable adhesives (see column 3, line 62 through column 5, line 42). To modify the adherent structure of the prior art further employing the dual sided tape structure of Holcomb et al. would have been obvious in order to provide an easily manually applied reusable adherent structure, as suggested by Holcomb et al..

7. Applicant's arguments with respect to claims 1-31 and 33-34 have been considered but are moot in view of the new ground(s) of rejection. To provide a pocket defined by adhesive for a photograph to dispose in an album is disclosed by Nelson et al.. To provide a pocket for a photograph from permanent adhesive and an openable adhesive in combination is disclosed by Rappaport et al.. That such adhesives would be preferably waterproof to protect a contained photograph is disclosed by Cantrell.

8. This action is made non-final in view of the new grounds rejecting claims 12-16.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bryon P. Gehman  
Primary Examiner  
Art Unit 3728

BPG